

# MINUTES

## Cherokee County Board of Commissioners

**MAY 4, 2010      REGULAR MEETING      CHEROKEE HALL      6:00 P.M.**

### CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:07 p.m. on Tuesday, May 4, 2010. Those in attendance were Vice Chair/Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; Commissioner Derek V. Good; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public.

### PLEDGE OF ALLEGIANCE

CHAIRMAN AHRENS

*“Veterans of U.S. military service may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007”*

### AMENDMENTS TO AGENDA

There were 4 amendments. (1) Under Chairman – add appointment by Commissioner Bosch to Board of Ethics; (2) Under Chairman – add Update on recently passed Transportation Legislation; (3) Under Announcements – add On Saturday, May 8 at 10 a.m. a ribbon cutting for the Taylor Randahl Memorial Mountain Bike Trail at Olde Rope Mill Park will take place as part of “GREENSTOCK Day” in Woodstock; (4) Under Announcements – add Open House and Ribbon Cutting Ceremony will take place on Friday, May 7 at 1 p.m. to celebrate the Cherokee County Regional Airport Terminal completion. After the Chairman completed reading the amendments, he asked for a motion.

Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and the result was unanimous approval.

### ANNOUNCEMENTS

**AMENDMENT-** On Saturday, May 8 at 10 a.m. a ribbon cutting for the Taylor Randahl Memorial Mountain Bike Trail at Olde Rope Mill Park will take place as part of “GREENSTOCK Day” in Woodstock.

**AMENDMENT-** Open House and Ribbon Cutting Ceremony will take place on Friday, May 7 at 1 p.m. to celebrate the Cherokee County Regional Airport Terminal completion.

**HUNT ROAD WILL BE CLOSED TO TRAFFIC BETWEEN PLANTATION AND GOODELL ROAD AND OLD ALABAMA ROAD ON MAY 12, 2010 FOR APPROXIMATELY 6 WEEKS. A posted detour will be provided during the duration of the construction. The detour routes utilize State Route 92. Questions regarding the detour should be directed to the Cherokee County Capital Program Management Division at (678) 493-6080.**

## **PUBLIC NOTICE**

Notice of the Cherokee County Sheriff's Office intent to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2010 Local Solicitation in the amount of \$12,168. This money will be used for digital traffic signs – Major Edward Lacey presented. No action necessary.

## **APPROVAL OF WORK SESSION MINUTES FROM APRIL 20, 2010**

When Chairman Ahrens asked for a motion to approve the Work Session Minutes as submitted by the Clerk, Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and the Work Session Minutes were unanimously approved.

## **APPROVAL OF REGULAR MEETING MINUTES FROM APRIL 20, 2010**

When Chairman Ahrens asked for a motion to approve the Regular Meeting Minutes as submitted by the Clerk, Commissioner Bosch made the motion to approve; Commissioner Good seconded and there was unanimous approval.

## **PUBLIC HEARINGS**

- (1) To consider a request by Dr. L. Austin Flint for a change of zoning from GC with conditions to GC with new conditions on Case No. 09-01-001 and Case No. 09-01-002 where property is located on Cumming Hwy. (Currently in litigation)

Commissioner Hubbard made the motion to open the public hearing at 6:16 p.m.; Vice Chair/Commissioner Johnston seconded and the motion to open received unanimous approval. One speaker, Tom Ware, asked to make comment that he was against lessening of the original conditions imposed at zoning. There were no other speakers, Commissioner Hubbard made a motion to close the public hearing at 6:27 p.m.; Commissioner Bosch seconded and the motion was unanimously approved.

Vice Chair/Commissioner Johnston made a motion to approve the negotiated conditions as presented by the County Attorney; Commissioner Hubbard seconded and there was unanimous approval.

- (2) To consider a request by Dr. L. Austin Flint for a change of zoning from GC with conditions to GC with new conditions on Case No. 09-05-010 where property is located at 110 Old Doss Road. (Currently in litigation)

Commissioner Hubbard made a motion to open the public hearing at 6:31 p.m.; Chairman Ahrens seconded and there was unanimous approval. There were no speakers. Commissioner Hubbard made the motion to close the public hearing at 6:33 p.m.; Commissioner Bosch seconded and the motion was unanimously approved.

Vice Chair/Commissioner Johnston made the motion to approve the negotiated conditions as presented by the County Attorney; Commissioner Hubbard seconded and the motion was unanimously approved.

- (3) To consider a proposed amendment to Cherokee County's Code of Ordinances, to amend chapter six (6) of the Code of Ordinances of Cherokee County, relating to alcoholic beverages; to prohibit the consumption of alcohol at certain places and hours;

to regulate consumption of alcohol on certain county property; to provide for temporary permits for special events; to provide for definitions of terms used in the ordinance.

Commissioner Hubbard made the motion to open the public hearing at 6:36 p.m.; Commissioner Bosch seconded and there was unanimous approval. There were no speakers. Commissioner Hubbard made a motion to close the public hearing at 6:39 p.m.; Commissioner Bosch seconded and the motion was unanimously approved.

Commissioner Bosch made the motion to adopt the amendments, with the noted change to Section 6-26 (a) (9) in the final version; Commissioner Good seconded and the vote was 4-1 to approve with Vice Chair/Commissioner Johnston opposing.

### **PUBLIC COMMENT**

None.

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### **COMMISSION BUSINESS**

#### **CHAIRMAN**

**L. B. AHRENS**

*Request for letter of approval from the Board for the Etowah Touchdown Club at a fundraising golf tournament at Eagle Watch Golf Course on Thursday, May 27, 2010, in order to serve alcoholic beverages*

Commissioner Bosch made a motion to approve the request; Commissioner Good seconded and the result was a unanimous approval.

#### *2010 Census Update*

The Chairman said that mail-ins are now complete; next will be door-to-door visits until July. As of April 27, Cherokee County response is at 77%.

**AMENDMENT** – *Appointment by Commissioner Bosch to Board of Ethics to replace Robert Tidwell appointment-expired January 2010*

Chairman Ahrens said that 2 nominations had been received; Commissioner Bosch made the motion to appoint Kenneth Perry; Commissioner Good seconded and the result was unanimous approval.

**AMENDMENT** – *Update on Transportation Legislation*

First, the legislature passed HB 277, which is a State/regional bill calling for a voter referendum in 2012 to add one cent to the state sales tax. The state will be divided into 12 regions, the regions will vote-no county can opt out, the tax will last ten years; for the metro Atlanta region will produce \$8-10 billion for transportation/transit projects. Most likely projects for Cherokee, under the regional funding plan, would be Ga. 20 and parts of I-575.

Second, the BOC has requested of the local delegation, for the past two sessions, to add transportation as a category to the tax code that includes SPLOST (sales tax), Education (ELOST), property tax rollback (LOST), etc.; if passed, and voted for by Cherokee residents would add \$30 million per year for transportation projects in Cherokee County. This bill HB 365 was amended to another bill HB 991 in the final days, but in the final hours of this session was stripped.

The local delegation passed a resolution (HB2039 and SR 1505) forming a Cherokee Transportation Planning Commission to develop a project list for future use; they will call the meetings, etc. will a final report due January 1, 2011 and the committee will dissolve prior to the start of the new session in February, 2011.

**VICE CHAIR/COMMISSION POST 1** **HARRY B. JOHNSTON**

**COMMISSION POST 2** **JIM HUBBARD**

**COMMISSION POST 3** **KAREN BOSCH**

The Children's Park – Priest Road – postponed

**COMMISSION POST 4** **DEREK V. GOOD**

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**CONSENT AGENDA**

1. Request approval to renew Uniform Contract with CINTAS Uniforms for one year to May 7, 2011, with same terms-Roads & Bridges
2. Request consideration and approval to surplus vehicles and equipment from various County departments (A surplus equipment auction has been scheduled for Saturday, May 8)
3. Request consideration and approval of a construction agreement with Southern Environmental Services, Inc. for asbestos abatement services for \$8,956 at locations of 6791 and 6781 Victory Drive, 102 Lynford Lane and 6001 Priest Road, in order to demolish structures
4. Request approval for budget amendment/transfer of funds of \$42,571 which is an Emergency Management Performance Grant received by the Sheriff's Office of Homeland Security- Emergency Management- no county match
5. Request approval of renewal of lease with State Board of Pardons and Paroles for office space located in the DDS facility on Brown Industrial Drive for payment of \$3,922.75/month on a year-to-year basis for 3 consecutive years

When Mr. Cooper finished reading the Consent Agenda items, Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Johnston seconded and the result was unanimous approval.

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## **COUNTY MANAGER**

6. Approve contract with MACTEC for A/E services for the Greenprint Trail Project in the amount of \$166,140 contingent on the County Attorney review and approval

Commissioner Good made the motion to approve; Commissioner Bosch seconded and there was unanimous approval.

7. Consideration of the adoption of amendment to the Code of Ordinances, specifically Chapter 2, Article V entitled "Procurement" to replace the current Purchasing Ordinance section

Mr. Cooper explained that a public hearing would be advertised for June 1<sup>st</sup>; request should be for approval of the amendments and to advertise public hearing.

Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and the result was unanimous approval.

8. Consider Intergovernmental Agreement between Cherokee County and Airport Authority to use County personnel and equipment for mowing services on Airport grounds

Commissioner Bosch made a motion to approve; Commissioner Good seconded and the motion was unanimously approved.

9. Consider authorizing contract between Cherokee County and Ross Consulting Engineers for engineering services for design of entry road and parking for Blankets Creek expansion project in the amount not to exceed \$25,000 contingent upon County Attorney approval

Commissioner Bosch made the motion to approve; Commissioner Good seconded and the result was unanimous approval.

10. Approve contract between Cherokee County and Gaskins Engineers in the amount of \$8,400 for topographic and boundary survey in conjunction with Hobgood Park renovation project

Commissioner Good made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

11. Approval of bid proposal for award of A/E services to RAA Design (Wolverton & Assoc.) for Hobgood Park's Park Bond renovations in the amount of \$43,700

Commissioner Good made the motion to approve; Commissioner Bosch seconded and the motion received unanimous approval.

12. Consideration and approval of Resolution to amend the Adoption Agreement of the County's Defined Benefit Plan to reduce the points from 75 to 70-effective May 1

Commissioner Bosch made the motion to approve; Commissioner Hubbard seconded and the result was unanimous approval.

13. Consideration of approval of a Memorandum of Agreement between Cherokee County and ALH investments, LLC for right-of-way dedication and exchange of property on the Hunt Road/Priest Road Connector Project

Commissioner Bosch made a motion to approve; Commissioner Good seconded and the motion received unanimous approval.

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**COUNTY ATTORNEY**

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**ADJOURN**

Before asking for a motion to adjourn, the Chairman asked Mr. Cooper to announce that a CFO had been hired. Mr. Cooper announced that Janelle Funk would be starting on May 11<sup>th</sup> as CFO; he also thanked the Commissioners who were able to be a part of the interviews as well as Bryce Holcomb and Marshall Day.

After this, the Chairman asked if there was any other business and hearing none, Commissioner Hubbard made the motion to adjourn the regular meeting at 7:04 p.m.; Commissioner Bosch seconded and there was unanimous approval.

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These Minutes were approved at the regular meeting on May 18, 2010.